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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

Research Directorate Management
Directive # 5

Issue Date: 16 November 2012
Revised: 30 May 2013



(U) REVIEW OF RESEARCH INFORMATION PRIOR TO PUBLIC DISSEMINATION

(U) PURPOSE AND SCOPE

(U) This Management Directive (Directive) implements NSA/CSS Policy 1-30, "Review of NSA/CSS Information for Public Dissemination" (Reference a).

(U) This Directive prescribes policies and assigns responsibilities to ensure that all official NSA/CSS information and any non-NSA/CSS information that is not available publicly obtained during the course of research activities and proposed for public dissemination undergo a pre-publication review.

(U) This Directive applies to all Research Directorate (RD) personnel performing RD activities.

A handwritten signature in black ink, reading "Michael A. Wertheimer".

Dr. Michael A. Wertheimer
Director of Research

DISTRIBUTION

RD
DN1
DJ5
DJ2
DJ1
DJ6 (Archive and Vital Records)

(U) OPI: Research Policy, 961-7309.

(U) Approved for public release by the Director of Research.

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(U) An administrative update was approved by the Chief, Research Policy on 30 May 2013 to reflect changes made to Reference a.

(U) POLICY

1. (U) All current and former Research personnel have a lifetime responsibility to prevent protected information, including classified information and controlled unclassified information, from unauthorized disclosure. That responsibility does not end when Research personnel end their association with NSA/CSS.

2. (U) RD personnel acting in an official capacity shall submit for prepublication review, consistent with Reference a and RD's prepublication procedures on NSANet (Reference b), all information proposed for public dissemination.

3. (U) RD personnel acting in a private capacity¹:

a. (U) May prepare information for public dissemination without any prepublication review provided the author:

1) (U) Only uses information that is available publicly;

2) (U) Only uses knowledge gained while working with NSA/CSS that is available publicly (e.g., prepublication review does not apply to books about gardening, cooking, sports, crafts, or computer programming information such as JAVA gained from public sources);

3) (U) Only uses information that is UNCLASSIFIED and approved for public dissemination;

4) (U) Does not include any information on which NSA/CSS may file a new patent application (i.e., the information, if publicly disseminated, does not establish a date by which NSA/CSS must file a new patent application (e.g., one year after public dissemination) with the U.S. Patent and Trademark Office or it loses the right to do so); and

5) (U) Uses a disclaimer on any material in which an NSA/CSS affiliation is cited, stating that the views and opinions expressed are theirs and do not reflect those of NSA/CSS.

¹ (U) RD personnel have the right to publicly identify themselves as being associated with NSA/CSS at the UNCLASSIFIED level and, thereby, waive any FOR OFFICIAL USE ONLY protection. RD personnel shall refer to Reference a regarding their individual responsibilities and check with the appropriate NSA/CSS office for guidance on how revealing their NSA/CSS affiliation may affect past or future sensitive assignments.

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b. (U) Shall submit for prepublication review any information for public dissemination:

- 1) (U) That includes official NSA/CSS information;
- 2) (U) Which notes the author's current or former affiliation with NSA/CSS;
- 3) (U) That contains any non-public knowledge gained while working with NSA/CSS; or
- 4) (U) In which NSA/CSS may have intellectual property rights and may file a patent application thereon.

4. (U) RD Prepublication Services (R01) shall exercise final approval authority for prepublication review requests, consistent with Reference a, from all non-Senior RD personnel (e.g., non-DISES or non-DISLs) in their official capacity and all RD personnel in their private capacity. Requests from RD senior personnel in their official capacity must be coordinated with the Department of Defense Office of Security Review consistent with Reference a. Appeals of prepublication review determinations follow the procedures in Reference a.

5. (U) RD prepublication classification review officials shall take and meet the same classification and information security training requirements levied upon NSA/CSS Classification Advisory Officers (CAOs).

(U) RESPONSIBILITIES

6. (U) RD Prepublication Services (R01) shall issue, consistent with References a and b, final approval or disapproval of all RD personnel prepublication requests, except as described in paragraph 4 of this Directive. R01 also shall provide monthly accountings of prepublication review cases to DJ2.

7. (U) RD Group Chiefs shall perform a final equity review of official NSA/CSS information proposed for public dissemination.

8. (U) The RD Technical Director (TD):

a. (U) Shall perform an initial equity review, and also a final equity review where the activity does not fall under any RD Group Chief, of official NSA/CSS information proposed for public dissemination:

- 1) (U) If the RD TD finds official NSA/CSS information, make a recommendation to the relevant RD group and/or office chief whether to approve or disapprove the publication; or

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2) (U) If the RD TD finds there is no official NSA/CSS information and no other information not available publicly, advise the requestor and relevant CAOs that further prepublication review is not required;

b. (U) Shall refer NSA/CSS information originating outside of RD that is not available publicly to the originating NSA/CSS organization for public dissemination approval;

c. (U) Shall refer information originating outside of NSA/CSS that is not available publicly to the originating entity for public dissemination approval; and

d. (U) May delegate to other RD technical directors the initial equity review and responsibilities described in paragraphs 8.a. through c. of this Directive.

9. (U) Technical directors within RD offices who have been delegated initial equity review responsibilities pursuant to paragraph 8.d. of this Directive shall perform the functions of the TD for RD as described in paragraphs 8.a. through c. of this Directive.

10. (U) RD offices shall designate CAOs at NSA/CSS Headquarters - Washington and at the research laboratories, as appropriate, who shall:

a. (U) Conduct classification reviews of all requests for public dissemination of official NSA/CSS information;

b. (U) Comply with all training applicable to CAOs; and

c. (U) Follow the prepublication procedures established in Reference b.

11. (U) RD personnel shall:

a. (U) Submit for review any official NSA/CSS information proposed for public dissemination;

b. (U) When submitting a request, follow the prepublication procedures established in Reference b., including assessing the substance and classification of the information, and completing the template SPF for prepublication requests,

c. (U) Identify as part of the submission any information not available publicly that did not originate with NSA/CSS but was learned during the course of employment or other service with NSA/CSS; and

d. (U) If NSA/CSS potentially has any rights in the intellectual property (e.g., property interests) in the information being proposed for public dissemination, also submit the information to OGC(ART) for review to determine whether a patent application should be filed.

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(U) REFERENCES

12. (U) References:

a. (U) NSA/CSS Policy 1-30, "Review of NSA/CSS Information Intended for Public Release,"² dated 10 May 2013.

b. (U) RD Prepublication Procedures.

DEFINITIONS

13. (U) Available Publicly: Information that has been published or broadcast for general public consumption, is available on request to a member of the general public, could lawfully be seen or heard by any casual observer, or is made available at a meeting open to the general public. In this context, the "general public" also means general availability to persons in a military community even though the military community is not open to the civilian general public. (Source: DoD 5240.1-R) Information available publicly includes commercial information for which a fee may be charged. Note: RD personnel should exercise caution when citing information available publicly. Where information is available both from classified and open sources, public dissemination may be permitted if the information can be referenced to an open source publication and if dissemination will not cause additional damage to the national security through the confirmation or denial of unauthorized open source information. Unless NSA/CSS is the originator of the open source information (e.g., information posted on nsa.gov), it should not be assumed that the existence of official NSA/CSS information in open source constitutes an official NSA/CSS public release.

14. (U) Equity Review – Review by NSA/CSS personnel to determine if release of the official NSA/CSS information would pose an undue risk to U.S. national security interests, to NSA/CSS' mission, or otherwise negatively impact NSA/CSS.

15. (U) NSA/CSS Headquarters - Washington – NSA/CSS personnel and facilities located at the Ft. Meade and Friendship Annex (FANX) complexes, the Finksburg and Kent Island facilities, and all leased facilities in the Baltimore, MD/Washington, D.C. metropolitan area. (Source: NSA/CSS Policy 5-7)

16. (U) Official Capacity – Acting on behalf of NSA/CSS. (Source: Reference a)

17. (U) Official NSA/CSS Information – Any information that is in the custody and control of NSA/CSS that was obtained for or generated on NSA/CSS' behalf during the course of employment or other service, whether contractual or not, with NSA/CSS. (Source: Derived from Reference a)

² (U) The title of NSA/CSS Policy 1-30 was changed when it was reissued. The revised title also will be noted on page 1 of this Directive when the Directive is reissued.

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18. (U) Prepublication Review – The overall process to determine that information proposed for public dissemination contains no protected information and, where applicable, is consistent with established NSA/CSS, DoD, and IC policies and programs; conforms to NSA/CSS messaging standards as determined by the Associate Director for Strategic Communications; and, in consultation with the NSA OGC, Acquisition, Research, and Technology Law, as appropriate, contains no information in which NSA/CSS may have intellectual property rights and may file a patent application thereon. (Source: Reference a)

19. (U) Private Capacity – Acting on behalf of oneself and not in association with NSA/CSS. (Source: Reference a)

20. (U) Protected Information: See Reference a.

21. (U) Public Dissemination – The decision to retain or to show or reveal official NSA/CSS information whether orally, in writing, or through any other medium, to one or more persons who otherwise do not have the appropriate access authorization, security clearance, and/or need to know to receive such information upon determination that the release will not harm the national security or another legitimate U.S. Government interest. (Source: Reference a)

22. (U) RD Personnel – All persons conducting NSA/CSS activities under the authority of RD including, but not limited to, NSA/CSS personnel, integrees, assignees, detailees, contractors, and persons otherwise acting at the direction of RD. (Source: RD MD # 2)